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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,327	03/18/2004	Andrew Kozakow	70473.010200	5578

7590 12/08/2005

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EXAMINER

SPISICH, MARK

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/803,327

Applicant(s)

KOZAKOW, ANDREW

Examiner

Mark Spisich

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-19 and 23 is/are allowed.
- 6) ☒ Claim(s) 1-12 and 20-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because of legal phraseology ("said" in line 3). Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

2. Claims 6 and 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "Juxtaposed inside surfaces" (claim 6, line 2) lacks antecedent. It would seem that claim 6 should depend instead from claim 4. It would seem that claim 20 merely duplicates lines 16-18 of claim 13. "Folded **fibrous** material" (claim 21, line 2) lacks antecedent. "Fastening **means**" (claim 22, line 2) lacks antecedent. Applicant should review the claims for any additional informalities.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Funk (USP 1,857,145). The patent to Funk discloses a cleaning implement comprising a handle (1) including an attachment region mounting a scrubbing element (2) formed by folding a sponge or felt pad (fig 3) such that it is about the end of the handle. The

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recitation of the intended use (as a toilet cleaner) fails to structurally define over the prior art.

5. Claims 1,7,9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Beck et al (USP 2,816,313). The patent to Beck discloses a cleaning implement comprising a handle (30) having an attachment region (31) and a scrubbing element (10) folded (about mid-point 14) and attached about the attachment region. The handle (30) of Beck is plastic (column 4, line 74) and the scrubbing element may include a detergent (column 3, lines 22-24).

6. Claims 1,9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Downey (USP 2,595,776). The patent to Downey discloses a cleaning implement comprising a handle (5) having an attachment region about which is attached a scrubbing element (6) formed by twice folding a rectangular sheet of cleaning material (fig 3). As mentioned above, the recitation of the intended use, in an apparatus claims, fails to distinguish over the prior art.

7. Claims 1,5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Piluso (USP 2,346,782). The patent to Piluso discloses a cleaning implement comprising a handle (11) as well as a cleaning material (10) folding on itself and secured about an end of the handle. The recited intended use fails to distinguish.

8. Claims 1,4 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ries (USP 2,214,972). The patent to Ries discloses a cleaning implement comprising a handle (1) as well as a cleaning material (3) attached about an end thereof and which includes three folds (4) (see fig 4).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck et al (USP 2,816,313) in view of Kleinpell, II et al (USP 5,836,041). The patent to Beck discloses the invention substantially as claimed with the exception of the handle reinforcement. The provision of reinforcing ribs along the length of an implement handle is known in the art (see column 2, lines 13-26 of Kleinpell). It would have been obvious to one of ordinary skill to have modified the device of Beck as such so as to provide a string handle without using too much material.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ries (USP 2,214,972). The patent to Ries discloses the invention substantially as claimed with the exception of the scrubbing element, prior to folding, being round. The choice of various shapes of the cleaning element sheet would be obvious to one of ordinary skill so as to conform to different articles to be cleaned.

***Allowable Subject Matter***

12. Claims 13-19 and 23 are allowed.

13. Claims 20-22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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14. Claim 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Silver is pertinent to the handle reinforcing and the others to implements with handles and folded cleaning sheets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Spisich  
Primary Examiner  
Art Unit 1744